

21 C.J.S. Courts § 241

Corpus Juris Secundum | May 2023 Update

Courts

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VI. Rules of Adjudication, Decisions, and Opinions

D. Opinions

§ 241. Construction, operation, and effect

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  107, 108

An opinion should be read as a whole and interpreted in light of the facts on which it is based and the issues presented.

The language of an opinion should not be parsed in the same manner as the language of a statute¹ but should be interpreted as a whole.² Thus, unlike statutes, judicial opinions are not usually written with the knowledge or expectation that each and every word may be the subject of searching analysis.³ An opinion must be construed with reference to the facts on which it is based,⁴ and the positive authority of a decision extends only to those factual circumstances.⁵ Different sections of an opinion should be read as consistent with each other.⁶ The opinion should be read in light of the circumstances under which the language is used⁷ and of the issues or questions presented.⁸ However, it is a general rule that unless the United States Supreme Court expressly limits its opinion to the facts before it, it is the principle that controls and not the specific facts on which the principle was decided.⁹ When questions about an opinion's import arise, the opinion should receive a reasonable interpretation that reflects the circumstances under which it was rendered, and its statements should be considered in context.¹⁰

Courts speak through their judgments and decrees, not their opinions,¹¹ and an opinion cannot prevail against a conflicting final order or decision.¹² Thus, although an opinion may shed light on the decision, it may not nullify it.¹³

An error by the publisher's scrivener in the text of a court opinion does not change the law.¹⁴

CUMULATIVE SUPPLEMENT

Cases:

As binding authority, judicial decision is inherently limited to the facts of the case then before the court and the questions presented to the court in the light of those facts. [United States v. Johnson](#), 921 F.3d 991 (11th Cir. 2019).

It is a maxim not to be disregarded, that general expressions, in every opinion, are to be taken in connection with the case in which those expressions are used; if they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision. [Save Our Illinois Land v. Illinois Commerce Commission](#), 460 Ill. Dec. 322, 200 N.E.3d 870 (App. Ct. 4th Dist. 2022).

Divorce court's memorandum opinion that was incorporated into findings of fact and conclusions of law as part of divorce decree was not inconsistent with divorce decree with respect to conditions that would impact former husband's lifetime alimony obligation, and thus trial court did not abuse its discretion in concluding, on wife's motion to reinstate alimony that husband unilaterally stopped paying when he retired, that alimony did not automatically terminate when he retired; decree provided that husband shall pay to [wife] \$3,000 per month alimony until any of the following conditions presented themselves: ... [husband] reaches the age of social security eligibility, provision was condition that impacted obligation and did not provide for automatic termination, and memorandum opinion provided that alimony may be subject to modification due to a change in [husband's] income. [Leedom v. Leedom](#), 2020 SD 40, 947 N.W.2d 143 (S.D. 2020).

[END OF SUPPLEMENT]

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Footnotes

- 1 U.S.—[Reiter v. Sonotone Corp.](#), 442 U.S. 330, 99 S. Ct. 2326, 60 L. Ed. 2d 931, 27 Fed. R. Serv. 2d 653 (1979).
- 2 U.S.—[Orr v. Allen](#), 248 U.S. 35, 39 S. Ct. 23, 63 L. Ed. 109 (1918).
- 3 U.S.—[Hamad v. Gates](#), 732 F.3d 990 (9th Cir. 2013), cert. denied, 134 S. Ct. 2866, 189 L. Ed. 2d 810 (2014).
- 4 U.S.—[Armour & Co. v. Wantock](#), 323 U.S. 126, 65 S. Ct. 165, 89 L. Ed. 118 (1944); [White v. Aronson](#), 302 U.S. 16, 58 S. Ct. 95, 82 L. Ed. 20 (1937); [Hamad v. Gates](#), 732 F.3d 990 (9th Cir. 2013), cert. denied, 134 S. Ct. 2866, 189 L. Ed. 2d 810 (2014).

Mo.—[Saveway Oil Co. v. Sears, Roebuck & Co.](#), 560 S.W.2d 325 (Mo. Ct. App. 1977).

Neb.—[State v. Warren](#), 226 Neb. 810, 415 N.W.2d 152 (1987).
- 5 Cal.—[Loranger v. Jones](#), 184 Cal. App. 4th 847, 109 Cal. Rptr. 3d 120 (3d Dist. 2010).
- 6 U.S.—[Mashpee Tribe v. New Seabury Corp.](#), 592 F.2d 575 (1st Cir. 1979) (rejected on other grounds by, [James v. U.S. Dept. of Health and Human Services](#), 824 F.2d 1132 (D.C. Cir. 1987)).
- 7 U.S.—[Safe Deposit & Trust Co. of Baltimore, Md., v. Commonwealth of Virginia](#), 280 U.S. 83, 50 S. Ct. 59, 74 L. Ed. 180, 67 A.L.R. 386 (1929).
- 8 U.S.—[People of Puerto Rico v. Shell Co.](#), 302 U.S. 253, 58 S. Ct. 167, 82 L. Ed. 235 (1937).

Ill.—*Arquilla-DeHaan Realtors v. Village of Park Forest*, 89 Ill. App. 3d 682, 44 Ill. Dec. 853, 411 N.E.2d 1219 (1st Dist. 1980).

Tenn.—*Prudential Ins. Co. of America v. Davis*, 18 Tenn. App. 413, 78 S.W.2d 358 (1934).

9 U.S.—*U.S. v. LaBinia*, 614 F.2d 1207 (9th Cir. 1980).

10 Cal.—*Kirk v. First American Title Ins. Co.*, 183 Cal. App. 4th 776, 108 Cal. Rptr. 3d 620 (2d Dist. 2010), as modified, (May 6, 2010).

11 Mich.—*Joslin v. Fourteenth Dist. Judge*, 76 Mich. App. 90, 255 N.W.2d 782 (1977).

Wash.—*Pratt v. Pratt*, 99 Wash. 2d 905, 665 P.2d 400 (1983).

12 Cal.—*In re Yorba's Estate*, 176 Cal. 166, 167 P. 854 (1917).

13 Cal.—*Ernst v. Municipal Court*, 104 Cal. App. 3d 710, 163 Cal. Rptr. 861 (2d Dist. 1980).

14 Okla.—*Charlson v. State ex rel. Dept. of Public Safety*, 2005 OK 83, 125 P.3d 672 (Okla. 2005).

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